

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

CAREY W. FAUST,

Plaintiff

VS.

ALEXIS CHASE, Warden, *et al.*,

Defendants

NO. 5: 05-CV-295 (CAR)

**PROCEEDINGS UNDER 42 U.S.C. §1983
BEFORE THE U. S. MAGISTRATE JUDGE**

**RECOMMENDATION ON PLAINTIFF'S MOTION
FOR A PRELIMINARY INJUNCTION**

Plaintiff **CAREY W. FAUST** has moved the court to grant him a preliminary injunction directing the defendants to provide him with proper medical care. Under *Southern Monorail Company v. Robbins & Myers, Inc.*, 666 F.2d 185, 186 (11th Cir.1982), before the relief sought by plaintiff can be granted, a showing must be made, to-wit: (1) that there is a substantial likelihood that the movant will prevail on the merits; (2) that there is a substantial threat that the movant will suffer irreparable injury if the relief is not granted; (3) that the threatened injury to the movant outweighs the threatened harm a restraining order or an injunction may cause the opponent; and, (4) that granting of any such preliminary injunction will not disserve the public interest.

After a careful review of plaintiff's motion herein in light of the requirements set forth in *Southern Monorail*, it is the opinion of the undersigned that plaintiff has not met the prerequisites for the issuance of a temporary restraining order or preliminary injunction. The relief sought by plaintiff in his request for preliminary injunctive relief is the same relief sought by him in his complaint. Further factual development is necessary before a determination can be made on plaintiff's underlying claims.

In light of the foregoing, IT IS THE RECOMMENDATION of the undersigned that plaintiff FAUST's motion for a temporary restraining order/preliminary injunction be DENIED. Plaintiff may file any objection with the Clerk of court **WITHIN TEN (10) DAYS** of receipt of this recommendation.

SO RECOMMENDED, this 28th day of FEBRUARY, 2006.¹



A handwritten signature in blue ink that reads "Claude W. Hicks, Jr." The signature is written in a cursive, flowing style.

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE

¹Notwithstanding this recommendation, by separate order, the undersigned has directed the Warden of the facility wherein plaintiff is incarcerated to provide a Special Report on plaintiff's current medical conditions.